



U.S. BANKRUPTCY COURT NEWSLETTER

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Court Adopts New Local Rules of Bankruptcy Procedure, Effective March 1, 2007

By Michael Temple, Chief Deputy

Effective March 1, 2007, the Arizona bankruptcy court adopted an entire new set of Local Rules of Bankruptcy Procedure. These new local rules replace the Local Rules enacted in September 1996. Those rules had been amended numerous times since 1996 by General Orders, the most significant of which was the ECF Operating Orders that established Electronic Case Filing for the court.

To draft new local rules, a Local Rules Committee, comprised of attorneys and trustees from Phoenix and Tucson, Judge Randolph J. Haines, and a representative from the bankruptcy clerk's office, was formed. The main fo-

cus of the committee in drafting new local rules was first, to incorporate all the changes made by the various general orders and second, to make changes in the rules to improve practice. Then with the passage of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, the new rules were reviewed and additional changes made to be consistent with the new law.

After the Local Rules Committee finished its draft of the new rules, they were referred to the court for review and adoption. As part of the adoption process, public comment was solicited both by e-mail and through a public hearing at the courthouse at which Chief Judge Redfield T.

Baum and Judge Haines presided. Certain changes were made as a result of the public comment, and the judges then enacted the new Local Rules of Bankruptcy Procedure through General Order No. 99. That order also withdrew 25 general orders, no longer needed because their provisions are now included in the new Local Rules.

The new Local Rules of Bankruptcy Procedure are posted to the court's web site at www.azb.uscourts.gov. The new local rules are available in web format for online viewing, as well as in PDF format for download.

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Arizona's U.S. Bankruptcy Court Newsletter is a publication of court policies, procedures, and information designed to assist the public and members of the bar.

Redfield T. Baum, Chief Judge

George B. Nielsen, Jr., Judge

Sarah Sharer Curley, Judge

James M. Marlar, Judge

Charles G. Case II, Judge

Randolph J. Haines, Judge

Eileen W. Hollowell, Judge

Terrence S. Miller, Clerk of Court

Marta H. Labus, Editor



Philippines Court of Appeals Judges Receive Training in ECF, Case Flow Management from USBC



The judges in ECF training with Mike Temple and Randy Merrill.



Judge Eileen W. Hollowell in conversation with one of the Philippine judges and Roger Hanson, consultant to USAID.



Cindy Turnbull, Courtroom Deputy to Judge James M. Marlar, chats with one of the Philippine justices.



Judge Hollowell's law clerk, Betsy Strange, with three of the visiting judges.

Five judges from the Court of Appeals in the Philippines received hands-on ECF instruction and electronic case management training at the Tucson office of the Arizona bankruptcy court March 13. Bankruptcy judge Eileen W. Hollowell, who recently returned from a commercial law assessment for Booz Allen Hamilton and USAID in the Philippines, arranged for the Tucson court to host the training.

The Philippines Court of Appeals justices traveled to Tucson on a study tour

sponsored by the USAID project. During their week-long stay in Arizona, the judges also met with the Arizona Court of Appeals, Divisions One and Two, and with Arizona Supreme Court Chief Justice Ruth McGregor.

A major goal of the judges' study tour was to acquire information for the development of an automated case flow management system for the Philippines Court of Appeals. Judge Hollowell introduced the ECF training session by stressing the importance of involving both

judges and systems staff in every phase of this process. Chief Deputy Mike Temple and Operations Manager Randy Merrill followed with a demonstration and discussion of the CM/ECF data structure and the program's reporting capabilities. The justices then logged into ECF with judge-level passwords and accessed E-Orders, a feature that greatly impressed the group with its convenience and ease of use. A follow-up telephonic or video conference is tentatively planned to allow the judges to further explore features of CM/ECF.

Court Initiates Remote Self-Help Center Project; Clerk Inaugurates Community Visits At Population Centers

Public education and assistance has been a key component of the Arizona bankruptcy court's mission from the inception of accomplishing such goals through a vigorous pursuit of strategic planning. In support of this strategic goal, the court has set out to establish a fully integrated self-help system throughout the state for the public. The on-site Self-Help Center established at the Phoenix courthouse in February 2005 has successfully performed its outreach function for the past two years, and the on-site Self-Help Center at the Walsh courthouse in Tucson was launched in February 2007. The court has now turned its attention to self-help visits to population centers in remote locations.

Clerk of Court Terry Miller and Operations Manager Randy Merrill made the first of these visits on January 23, to the Bullhead City office of the Mohave County Superior Court. They answered questions from 341 Meet-

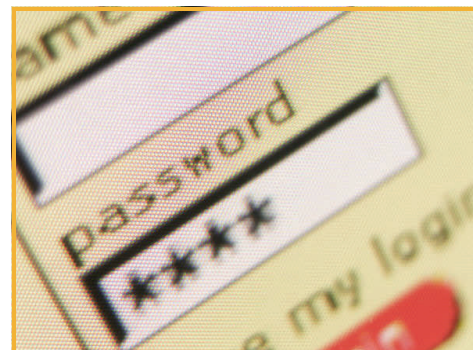
ing attendees and a few walk-in visitors at that location and distributed bankruptcy forms and information.

A second self-help site visit is planned this spring to the Superior Court building in Florence. To publicize the bankruptcy court's self-help program, a public notice will be placed in the local newspaper and information on the site visit will also be featured on the Florence community website and the community cable channel.

Self-Help Center visits are tentatively projected for the communities of ShowLow, Prescott Valley, Flagstaff, Sierra Vista, and Casa Grande. The Bankruptcy Section of the Arizona State Bar and its Volunteer Lawyer Project are assisting the court with the coordination of site visits and plan to implement an 800 number for free attorney consultation during the self-help visits. Any attorney interested in contributing to the court's self-help system, either by volunteering to assist the public on site in Phoenix or Tucson or by being available

through the toll free number, is encouraged to contact Diane L. Drain, Esq. at 602-246-7106 or Terry Miller at 602-682-4020.

Future plans may include having court staff travel on a rotating basis to provide assistance at remote self-help centers. As a first step in setting up more permanent remote self-help centers throughout the state, the court also hopes to leverage its new public website by ensuring that public service facilities such as libraries, community colleges, and tribal centers have the court site featured on their public access computers. The new website has web pages specifically geared to debtors and creditors.



Chief District Judges Pictured at Arizona District Conference



The District of Arizona held its annual district conference Feb. 9 in Tucson. The program included reports on the state of the Ninth Circuit and the district and bankruptcy courts in Arizona. Pictured here are Chief Judge Mary M. Schroeder, who has chambers in Phoenix, flanked by Chief District Judge John M. Roll of Tucson, right, and Chief Bankruptcy Judge Redfield T. Baum, Sr., of Phoenix. The conference was sponsored by the Arizona Ninth Circuit Lawyer Representatives and the Tucson and Phoenix chapters of the Federal Bar Association.

Post-BAPCPA Pro Se Bankruptcy Filings Show Decline August 2006-February 2007

By Michael Temple, Chief Deputy

Since July 31, 2006, the ratio of pro se bankruptcy filings to attorney filings received by the court has shown a decline of three to four percent. The current 32 to 35 percent pro se filings is somewhat higher than the pre-BAPCPA rate of 28 to 30 percent, although it appears to be trending downwards towards the pre-BAPCPA level.

Pro Se Filings Under BAPCPA 10/17/2005-2/28/2007			
	Chapter 7	Chapter 13	Overall
Pro Se	32 percent	35 percent	33 percent
Attorney	68 percent	65 percent	67 percent

BAPCPA Filings Through 7/31/2006			
	Chapter 7	Chapter 13	Overall
Pro Se	36 percent	38 percent	36 percent
Attorney	64 percent	62 percent	64 percent

2006 Bankruptcy Case Filings Decline 83.5 Percent from 39,204 Cases Filed in 2005

By Terrence S. Miller, Clerk of Court

New bankruptcy cases filed under BAPCPA, continue to be filed at a much lower rate than prior to the effective date of BAPCPA (October 2005). While monthly filings under BAPCPA have increased from 303 total cases in January 2006 to 687 cases in October 2006, total filings for 2006 were 6,479 cases, representing an 83.5 percent decline from the 39,204 cases filed in 2005.

Case filings for January 2007 were 592 new cases filed; and for February 2007, 660.

One other item to mention about case filings under BAPCPA is the ratio of Chapter 7 and Chapter 13 cases to total filings that the court receives. Comparing cases filed before and then after BAPCPA, the ratio of Chapter 7 cases as a percentage of total cases has decreased slightly while Chapter 13 cases have increased a few percentage points.

Before BAPCPA, 81.7 percent of the cases filed were Chapter 7 cases while 17.6 percent were Chapter 13 cases. Under BAPCPA, that has changed to 77.2 percent for Chapter 7 cases and 20.6 percent for Chapter 13 cases. Whether or not this is a trend remains to be seen, as these figures only represent 15 months of filings under the new law.



2006 Bankruptcy Case Filings

January 2006	303	July 2006	514
February 2006	357	August 2006	617
March 2006	557	September 2006	582
April 2006	560	October 2006	687
May 2006	551	November 2006	646
June 2006	566	December 2006	539
Total 2006 Filings:	6,479		



Administrative Office of the U.S. Courts
PACER Service Center

New PACER Service Center Remittance Address

The remittance address for PACER has changed. Please ensure that payments are now mailed to:

PACER Service Center
P.O. Box 70951
Charlotte, NC 28272-0951

If you have any questions, please contact the PACER Service Center at pacer@psc.uscourts.gov.

New Features of Court's Redesigned Website Include Searchable Unclaimed Funds Database



Public Notice - Unclaimed Funds

Use the form below to search the unclaimed funds list (leave all fields blank to return the complete list):

Case (Debtor) Name:

Filing Office:

Case Number: -

Recipient Name:

The Arizona bankruptcy court's redesigned website, launched December 27, 2006, includes a searchable unclaimed funds database. This database is updated daily.

The unclaimed funds list may be searched and sorted by case name, filing office,

case number, or fund recipient name. Alternatively, these fields may be left blank to bring up the complete list of unclaimed funds.

So that unclaimed fund recipients can receive assistance and required forms, local and 800 phone numbers for Financial Services

contacts for the Phoenix, Tucson, and Yuma offices are listed on the unclaimed funds web page.

Since the fund recipient and an unclaimed funds locator may file duplicate Applications to Pay Unclaimed Funds to Claimant, a Notice of Withdrawal of the application has been added to the Unclaimed Funds docket events in CM/ECF. A downloadable packet of required forms to retrieve unclaimed funds will be available before the end of this year.

What is a Virtual Minute Entry?

By Lorraine Davis, courtroom deputy to Chief Judge Redfield T. Baum

Have you ever clicked on the docket number for a minute entry and found that the minute entry does not open? If so, you are more than likely looking at a virtual minute entry. The below docket entry is an example. The docket number does not contain the hyperlink which takes you to the minute entry. Instead, the full contents of the minute entry, including the subject of the hearing, the appearances, and the proceedings, are already on the docket and viewable.

No hyperlink

<p>184</p>	<p>Minutes of Hearing held on: 03/01/2007</p> <p>Subject: TRIAL IN RE: OBJECTION BY DEBTOR TO PROOF OF CLAIM FILED BY TODD DAVIS</p> <p>Appearances: NONE</p> <p>Proceedings: HEARING VACATED; RESCHEDULED TO 3/13/07 @ 1:30 P.M. (Cal Hearing ID (1116675)). (related document(s) 158) (Davis, Lorraine) (Entered: 03/01/2007)</p>
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Instead, you can see the subject of the hearing, appearances, and proceedings right on the docket.

PACER Options Now Include Bypassing Client Code, Setting Transaction Receipt Viewing Preferences; Plus New "Court Information" CM/ECF Utility

New PACER Functionality

The latest versions of CM/ECF include a number of notable changes that were requested by PACER customers. PACER customers can now choose whether the client code field should be mandatory when logging into CM/ECF. In addition, formatting requirements of the client code can be set. The new preference settings allow customers to turn off viewing of transaction receipts if desired. To implement these new features, login to the [Account Information](#) section of this website, then select "**Set PACER Preferences**."

A new "**Court Information**" utility is available in CM/ECF. The option provides general court information such as hours of operation, court location and phone number, as well as filing information such as the maximum size of PDF files, the court's version of CM/ECF, case flag definitions and more. "**Court Information**" can be accessed in most courts at the bottom left hand corner before logging into the system. While logged into PACER, click on the "**Utilities**" menu option to get to "**Court Information**."

Only district version 3.0 and bankruptcy version 3.1 and later include the enhancements listed above. Customers may set their preferences now, but they will not appear in a court until the court installs the new versions of CM/ECF. For a complete listing of changes, review the [CM/ECF Release Notes](#).

If you have any questions, please contact the PACER Service Center at pacer@psc.uscourts.gov.

ECF		Bankruptcy	Adversary	Query	Reports	Utilities
Court Information						
Court Details						
Court's Name	District of Arizona - TEST					
Software Version	CM/ECF-BK V3.1.4					
ECF Go Live Date	October 1997					
Maximum PDF File Size (MB)	3					
Court Locations						
Court's Name	District of Arizona - TEST					
Court's Email Address	azb_support@azb.uscourts.gov					
Court's Hours	9:00am - 4:00pm Monday - Friday					
Court's Name	District of Arizona, Phoenix Division					
Court's Address	(Phoenix Division) 230 N. First Avenue, Suite 101, Phoenix, AZ 85003-1727					
Court's Phone Number	Phoenix (602) 682-4000					
Court's Name	District of Arizona, Tucson Division					
Court's Address	(Tucson Division) 38 S. Scott Avenue, Tucson, AZ 85701-1704					
Court's Phone Number	Tucson (520) 202-7500					
Court's Name	District of Arizona, Yuma Division					
Court's Address	(Yuma Division) 325 W. 19th Street, Suite D, Yuma, AZ 85364					
Court's Phone Number	Yuma (928) 783-2288					
PACER Details						
PACER Address	PACER Service Center, PO Box 780549, San Antonio TX 78278-0549					
PACER Phone Number	800-676-6856					
PACER Email Address	pacer@psc.uscourts.gov					

★ USBC Newsletter Marks 20th Anniversary ★



*U.S. Bankruptcy Court
Newsletter Seal, May 1, 1987*



*U.S. Bankruptcy Court
Newsletter Seal, January 1, 2007*

The Masthead and Delivery Method Have Changed; The Newsletter's Mission Remains the Same

By Marta Labus

The first U.S. Bankruptcy Court newsletter appeared on May 1, 1987. The masthead read, "The Bankruptcy Newsletter." Page One also contained a mission statement that outlined the goal for the new publication and can be applied to all subsequent issues, including the current newsletter: *"The bankruptcy newsletter is a quarterly publication designed to provide information and procedural policies of the court to the attention of the public and the bar and to serve as a training tool for improving our working relationship."*

The first newsletter packed a wealth of information into its three pages. The masthead lists four bankruptcy judges: Chief Judge Robert G. Mooreman and judges Lawrence Ollason, George B. Nielsen, Jr., and Sarah Sharer Curley.

- ★ A list of current filing fees was also included in the first issue: The fee for a Chapter 11 filing was \$500; the fee for filing either a Chapter 7 or a Chapter 13 bankruptcy was set at \$90. Filing an adversary complaint required a fee of \$120. The copy fee, however, was the same in 1987 as in 2007: \$.50 per page.
- ★ In contrast to current filing trends, bankruptcy filings showed a strong upward trend when the first bankruptcy newsletter was published, having increased 58% from 1985 to 1986. Through March 1987, filings again increased 58% over the same period in the previous year. "If this trend continues, bankruptcy filings in 1987 will more than double over 1985 filings," the newsletter reported.
- ★ In May 1987, the United States Trustee program had not yet been implemented for the District of Arizona. The newsletter announced its inauguration as scheduled for mid-1988.
- ★ The court had only two offices in 1987, the Phoenix and Tucson locations. The court's Yuma Office officially opened on January 2, 1992.
- ★ The first newsletter was published at the Phoenix Office location, the courthouse and federal building at 230 N. 1st Avenue. Since USBC Phoenix returned to its original home at 230 in 2004, the current issue has the same place of publication. It is also worth noting that the court's current Administrative Services Manager, Linda Broz, was "The Bankruptcy Newsletter's" founder and initial editor.

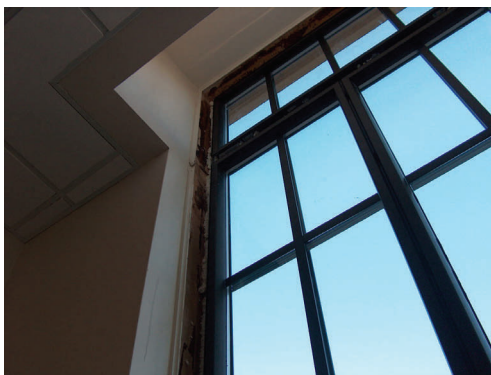
Windows on Walsh



Installation of new, energy-efficient windows on Scott Street façade via crane elevator.



View of new windows in Judge Eileen W. Hollowell's courtroom.



Close-up of the new courtroom windows.

GSA photos of the recently installed energy-efficient windows at the home of the Tucson Divisional Office of the Arizona bankruptcy court, the Walsh Courthouse on Scott Street.

**United States Bankruptcy Court
District of Arizona
Filing Statistics Analysis
Calendar Year 2006 vs. 2007**

CHAPTER 7	PHOENIX		%	TUCSON		%	YUMA		%	DISTRICT		%
	2006	2007		2006	2007		2006	2007		2006	2007	
January	162	273	68.5	42	106	152.3	8	31	287.0	212	410	93.3
February	195	320	64.1	66	122	84.8	12	37	208.3	273	479	75.4
March	282			137			26			445		
April	288			131			25			444		
May	307			116			24			447		
June	296			128			27			451		
July	280			107			20			407		
August	321			123			38			482		
September	314			107			45			466		
October	361			126			33			520		
November	329			127			34			490		
December	241			112			14			367		
TOTALS	3376			1322			306			5004		

CHAPTER 11	PHOENIX		%	TUCSON		%	YUMA		%	DISTRICT		%
	2006	2007		2006	2007		2006	2007		2006	2007	
January	5	12	140.0	2	0	(100.0)	1	2	100.0	8	14	75.0
February	5	27	440.0	3	2	(33.4)	0	0	0.0	8	29	262.5
March	19			1			0			20		
April	14			2			0			16		
May	5			1			0			6		
June	17			0			0			17		
July	8			0			1			9		
August	7			6			0			13		
September	8			0			0			8		
October	9			1			0			10		
November	10			0			0			10		
December	7			4			1			12		
TOTALS	114			20			3			137		

**United States Bankruptcy Court
District of Arizona
Filing Statistics Analysis
Calendar Year 2006 vs. 2007**

<u>CHAPTER 13</u>	<u>PHOENIX</u>		%	<u>TUCSON</u>		%	<u>YUMA</u>		%	<u>DISTRICT</u>		%
	2006	2007		2006	2007		2006	2007		2006	2007	
January	63	113	79.3	19	42	121.0	1	13	1200.0	83	168	102.4
February	61	120	96.7	12	29	141.6	3	3	0.0	76	152	100.0
March	68			21			3			92		
April	76			22			2			100		
May	68			26			4			98		
June	72			22			3			97		
July	64			32			2			98		
August	87			34			1			122		
September	67			33			8			108		
October	93			57			7			157		
November	92			49			5			146		
December	117			37			6			160		
TOTALS	928			364			45			1337		

<u>TOTAL FILINGS</u>	<u>PHOENIX</u>		%	<u>TUCSON</u>		%	<u>YUMA</u>		%	<u>DISTRICT</u>		%
	2006	2007		2006	2007		2006	2007		2006	2007	
January	230	398	73.0	63	148	134.9	10	46	360.0	303	592	95.3
February	261	467	78.9	81	153	88.8	15	40	166.6	357	660	84.8
March	369			159			29			557		
April	378			155			27			560		
May	380			143			28			551		
June	386			150			30			566		
July	352			139			23			514		
August	415			163			39			617		
September	389			140			53			582		
October	463			184			40			687		
November	431			176			39			646		
December	365			153			21			539		
TOTALS	4419			1706			354			6479		

Filing Fees Effective January 1, 2007



FILING FEES ALL FEES DUE AT TIME OF FILING

Fees Effective 1/1/07

TYPE OF DOCUMENT	CHAPTER	FEE	COMMENT
Abandonment (Rule 6007(b))	All	\$150	
Adversary Complaint including a Notice of Removal	All	\$250	When filed by a creditor or creditor's attorney.
	7	\$250	When filed by trustee or attorney for trustee. Due at time of filing, unless trustee files notice that there are insufficient funds.
	7, 13	None	If filed by a Chapter 7 or 13 debtor or debtor's attorney.
	11, 12	\$250	When filed by debtor in possession, attorney for debtor in possession, trustee or attorney for trustee. Due at time of filing, unless a motion & order to defer payment is filed with the complaint.
	13	\$250	If filed by trustee, but is paid from estate upon plan confirmation.
Amendment	All	\$ 26	Amendment to Schedule D, E or F, or Mailing List.
Appeal/Cross Appeal	All	\$255	
Appeal, Direct to 9 th Circuit		\$200	Direct Appeal to Circuit Court of Appeals Authorized
Archive Retrieval	All	\$ 45	Per record.
Audio Tape/CD of Hearing	All	\$ 26	Per 90-minute cassette tape or per compact disc.
Blank Check	All	\$ 26	Assessed as search fee to determine amount due.
Certification of Document or Instrument	All	\$ 9	Due for a single document or by separate instrument. Plus copy fees.
		\$ 18	Exemplification of any document or paper. Plus copy fees.
Computer Access to Court Database	All	8¢	PACER access fee per page from Internet.
Conversion to:	11 to 7	\$ 15	Due when a debtor files a Notice or Motion to Convert to Chapter 7 or when any other party files a Motion to Convert a case to Chapter 7
	12 to 7	\$ 60	
	13 to 7	\$ 25	
	12 to 13	\$ 35	
	7 to 11	\$755	Applies when a Chapter 7, 12 or 13 converts to a Chapter 11 at the request of the debtor.
	12 to 11	\$800	
	13 to 11	\$765	

Filing Fees Effective January 1, 2007

TYPE OF DOCUMENT	CHAPTER	FEE	COMMENT
Copies	All	50¢	Per page copied.
		10¢	For paper copies of documents or dockets printed from the court's counter computers. (This fee applies to agencies of the United States.)
Deconsolidation	7	\$ 260	
	11	\$1,000	
	12	\$ 200	
	13	\$ 235	
Filing/Indexing	All	\$ 39	Filing/Indexing any paper in a case for which an initial filing fee was not paid.
Involuntary Petition	7	\$ 299	
	11	\$1,039	
Limited Admission	All		Not applicable
Motion to Lift, Vacate, or Modify Stay	All	\$ 150	(11 USC § 362(d))
Motion to Withdraw Reference	All	\$ 150	(11 USC § 157(d))
New Petition	7	\$ 299	(Foreign Proceeding)
	9	\$1,039	
	11	\$1,039	
	12	\$ 239	
	13	\$ 274	
	15	\$1,039	
Registration of Foreign Judgment	All	\$ 39	
Reopening	7	\$ 260	Fee equal to the filing fee in effect for commencing a new case on the date of opening, unless it is to file (1) a complaint to determine the dischargeability of a debt or (2) an action when a creditor is violating the discharge. A motion to reopen by the debtor to file a personal financial management certificate and obtain a discharge does incur the filing fee. Debtor's motion to reopen a case to add a creditor or to avoid a lien does incur the filing fee.
	9	\$1,000	
	11	\$1,000	
	12	\$ 200	
	13	\$ 235	
	15	\$1,000	
Returned Check	All	\$ 45	Per NSF check returned.
Search Fee	All	\$ 26	For each name or document searched.